IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9486 of 2005

Between:

Dhulipalla Ramakoteswara Rao, S/o. Venkateswarlu,
Krishnapuram Village, Savalyapuram Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur.
2 The Revenue Divisional Officer, Narasaraopet, Guntur District.
3 The Mandal Revenue Officer, Savalyapuram Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ Order or direction declaring the order in Rc.No. 411/2005-B dated
25-03-2005 on the file of the R.D.O. Narasaraopet, as illegal, arbitrary and violative of Principles of Natural Justice and pass such other orders as deemed fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.D.KRISHNA MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the order in R.C.No.411/2005-B dated 25-03-2005 on the file of the 2nd respondent-Revenue Divisonal Officer, Narasaraopet as illegal and arbitrary.

The petitioner was appointed as permanent Fair Price Shop Dealer of Krishnapuram village, Savalyapuram Mandal, Guntur District in the year 1985, in pursuance of the notification issued by the 2nd respondent-Revenue Divisional Officer, Narasaraopet. It is stated that a team of officials of Vigilence & Enforcement, Guntur conducted surprise check of the fair price shop of the petitioner on 26-02-2005 and found some irregularities committed by the petitioner in distribution of the essential commodities. In view of the same, the 2nd respondent-Revenue Divisional Officer issued impugned proceedings suspending the authorization of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent-Joint Collector, Guntur along with an application for stay of the order of suspension. But, so far, his application for stay has not been considered and the same is pending for consideration. The grievance of the petitioner is that without there being any reason and without even giving an opportunity to explain the irregularities, the 2nd respondent-Revenue Divisional Officer suspended his authorization by issuing impugned proceedings which is contrary to law. It is alleged that the entire proceedings were initiated against him due to political rivalry and all the allegations made against him are without any basis. Assailing the same, the present writ petition has been filed.

Since the statutory appeal preferred by the petitioner against the impugned order of suspension is pending, I am not inclined to express any opinion on the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent-Joint Collector, Guntur to consider the petition for suspension filed by the petitioner and to pass appropriate orders in accordance with law as expeditiously as

possible preferably within a period of six weeks from the date of receipt of a copy of the order after giving opportunity to the petitioner.

With the above observation, the writ petition is disposed of. No costs.

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27-04-2005

Mjl/*

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To,

1 The Joint Collector, Guntur.
2 The Revenue Divisional Officer, Narasaraopet, Guntur District.
3 The Mandal Revenue Officer, Savalyapuram Mandal, Guntur District.

4. 2 CCs to G.P. for Revenue, High Court buildings, Hyderabad.

5. 2 CD copies.